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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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11 EDWIN GOLDEN,

No. CIV S-03-2379-MCE-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 TOM L. CAREY, et al.,

15 Defendants.  
16 \_\_\_\_\_/

17 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brings this civil  
18 rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion for  
19 appointment of counsel (Doc. 22), filed on August 31, 2006

20 The United States Supreme Court has ruled that district courts lack authority to  
21 require counsel to represent indigent prisoners in § 1983 cases. See Mallard v. United States  
22 Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may  
23 request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). See Terrell v.  
24 Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36  
25 (9th Cir. 1990). In the present case, the court does not at this time find the required exceptional  
26 circumstances.

1                   Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the  
2 appointment of counsel is denied.

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4 DATED: September 5, 2006.

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7 **CRAIG M. KELLISON**  
8 UNITED STATES MAGISTRATE JUDGE  
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